

West Stockbridge Planning Board
Meeting Minutes January 24, 2022
Via Zoom

Dana called the meeting to order at 7:02 pm. Planning Board (PB) members present: Dana Bixby, Chair, Ryan Beattie, Gunner Gudmundson and Sue Coxon. (Andrew Fudge was unable to attend). Others present: Karen Kavanagh, Administrative Assistant.

Dana asked the PB if they had reviewed the following minutes:

- November 22nd. Gunner moved to approve the minutes. Ryan seconded. The motion carried 3 to 0. (Sue abstained as she did not attend the meeting).
- December 13th. Sue moved to approve the minutes. Gunner seconded. The motion carried 3 to 0. (Ryan abstained as he did not attend the meeting).
- December 27th. Sue moved to approve the minutes. Gunner seconded. (Ryan abstained as he did not attend the meeting).
- The January 10, 2022, meeting minutes will be reviewed at the next Planning Board meeting.

Review all Fees

Karen provided the PB with a comparison of fees from other communities for their review.

1. **Special Permit Application Fee:** Dana stated that the ZBA recently voted to increase their Special Permit Application fee to \$300. The Select Board's fee for Special Permits is also \$300. Dana believes that the 3 SPGAs should have the same fee structure for Special Permits. The additional dollars will not only pay for advertising but will offset some of the administrative costs as well. Dana asked for comments. Gunner made a motion to change the Planning Board Special Permit Application Fee from \$275 to \$300. Sue seconded. Motion carried 4/0.

2. **Subdivision Control Law**

Form A Approval Not Required: Dana said the Fee (\$125) is comparable to other towns.

Form B Preliminary Plan: Dana stated that the submission of a preliminary plan is an informal meeting to discuss the plans, prior to the applicant submitting a definitive plan and she believes it does not require a fee.

Form C Definitive Plan: Dana stated that the \$100 Fee we are currently charging does not cover the cost of advertising. Dana suggested that when the PB finishes reviewing the updated SCL that the PB will revisit the Fee schedule prior to voting to accept the SCL. There was a discussion related to the high fees in some towns related to Definitive Plans. Dana said that a large subdivision with many lots would entail an extensive amount of work for the PB/Town, noting that the more complex the plan is the higher the fees should be.

Schedule Public Hearings for:

- **53 Maple Hill Road:** Dana said that Brian Duval was sent a copy of the original application and replied to both Dana and the applicant that he did not believe the applicants needed a special permit.

Dana stated that during her tenure on the Planning Board she helped write the Sections on Home Occupation and that Brian's interpretation was incorrect. Dana said that she has sent an email to the applicants stating that Section 4.11.3.3 are the performance standards for Home Occupations that apply to Sections 4.11.2.2 to 4.11.2.5. There are 4 different categories of types of Home Occupations, and they all involve different types of visibility and presence of activity and traffic. Dana told the Applicants that it is ultimately the Applicants' decision about what type of activity they think they're doing and how they think they should conform to zoning. Dana recommends that the Applicants revise their application and amend it to Section 4.11.2.3. That section is for delivery of services, or in this case delivery of professional services. Dana asked for comments on the Application. Gunner stated that Curt had some issues with the driveway. There was a brief discussion on the maintenance of a public way and added traffic to a road that already has problems. With no further comment Dana asked the PB if they agree to a Public Hearing on February 28th at 7:15 pm for 53 Maple Hill Rd. All agreed.

- **Swamp Rd/43 Lenox Road:** Request to modify the conditions of a common driveway special permit to allow the Applicants to divide one of the lots. They want to cut off a piece of the lot and have the frontage be on Swamp Road. Both Curt and Brian stated their concern that the grade from Swamp Road to the lot

may exceed the 10% limits. Dana proposed scheduling the Public Hearing on March 14th at 7:15 pm. All agreed.

Proposed ADU Bylaw and Process

There was a discussion about zoning changes and developing a more assiduous program for working on zoning changes so that the proposed changes will be completed in time for inclusion in the Town Meeting Warrant. Gunner said it seemed like a lot of work had already been completed on the STR bylaw, suggesting that it might be best to focus on that bylaw first, so the Board can get something done. Dana agreed, stating that we also have enough information on ADUs to develop a draft bylaw. She suggested focusing on STRs with the idea of having a draft bylaw ready for review at the Feb 7th PB meeting.

Dana asked if that would be agreeable. Sue reminded the Board that she had reviewed STR bylaws from other towns and had previously sent that information to the Board. The Board agreed to focus on STRs at the Feb 7th meeting and Sue said she would resend her document before the meeting.

Community Preservation Committee

Gunner wanted to know what is involved with that. Karen said she sent the bylaws and a description of duties from the state.

Other Business

ZBA Public Hearing - Williamsville Inn, January 10, 2022. Dana said she attended the hearing on the 10th and that the Applicant immediately asked for a continuation of the hearing which the ZBA approved. The hearing will be continued on February 10th.

The Applicants want to turn the building that had been the Inn into a restaurant and add 16 bungalows. They stated that they are not changing the number of rooms, just removing them from the Inn and replacing them with the bungalows. They are also adding 40 additional parking spaces for a total of 60 parking spaces. Dana said it was unclear in the application, but they seem to be increasing the intensity of events on the property. At the meeting they stated that there are neighbors who are very opposed to this because of the increase in intensity of use. Dana said they are adding 5,600 sf of building footprint to the property as well as the 40 additional parking spaces. Dana said that she had pointed out at the Public Hearing that the plans did not show any drainage design or lighting.

Dana urged the Planning Board members to review this application in preparation for discussion at the next PB meeting on February 7th. Issues that Dana sees surrounding this application: It's a non-conforming use in a residential zone which hasn't been used for more than two years. Dana said there was a prior applicant a couple of years ago interested in the Inn, so the prior owner continued permits related to maintaining the "grandfather" status of the Inn. In this case, it doesn't appear that those permits for "grandfathering" were maintained.

Brian Duval's opinion, given to the applicants, stated that they could apply for reestablishing the existing non-conforming "grandfathered" use. Dana believes there are going to be different points of view on whether they can reestablish "grandfathering". The question is how long has it been without a "grandfathering" status?

Dana said it would be great to bring back the Inn. But how they do it is important. Dana asked for comments. Gunner asked if the barn on the property was going to be torn down because on the plan there is a swimming pool near or where the barn was located. Ryan was curious about where they're putting the units since there is not a lot of flat space. Dana said the bungalows are pretty much in the wetland buffer zone.

OML Re Public Hearings

Dana said that the ZBA recently held a meeting focused on process and procedures, where they discussed what and how much should be documented in the meeting minutes of Special Permit public hearings. She noted that the ZBA keeps very detailed, almost verbatim meeting minutes, while the Planning Board's past practice was to use an audio recording of the hearing to produce a succinct set of minutes that summarized discussions and decisions and included a note stating that the audio recording was available at town hall. It was agreed that further research should be done on verbatim minutes -vs- a succinct summary of meeting discussions and decisions.

With no further business to conduct, the meeting was adjourned at 8:17 p.m.

Respectfully submitted,
Karen Kavanagh, Administrative Assistant